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■ NOT ADMITTED IN D.C.

October 11, 2002

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OCT 11 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

**Re: CC Docket No. 96-45
Virginia Cellular, LLC
Petition for Designation as an ETC in the Commonwealth of Virginia**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 CFR Section 1.1206, we hereby provide you with notice of a written *ex parte* presentation in connection with the above-captioned proceeding. On Friday, October 11, 2002, on behalf of Virginia Cellular LLC, we sent a letter with attachments to Romanda L. Williams, Wireline Competition Bureau. The letter was sent in response to Ms. Williams' request for information.

In accordance with the Commission's rules, two copies of this letter and attachments are enclosed for inclusion in the Commission's docket file.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,

David A. LaFuria
Counsel for Virginia Cellular, LLC

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List ABOVE

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Enclosures

LUKAS, NACE, GUTIERREZ & SACHS

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October 11, 2002

Via Electronic Mail

Romanda L. Williams, Esq.
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket No. 96-45
Virginia Cellular, LLC
Petition for Designation as an ETC in the Commonwealth of Virginia

Dear Ms. Williams:

I write to follow up on your request for additional information regarding the petition of Virginia Cellular, LLC ("Virginia Cellular") for eligible telecommunications carrier ("ETC") status in the Commonwealth of Virginia.

Square Mile Area of Rural ILECs in Virginia Cellular's Requested ETC Service Area

As you requested, we have attached a list of all of the wire centers of those rural ILECs which provide service within Virginia Cellular's proposed ETC service area, which contains the area in square miles for each wire center.¹

Mountain Grove-Williamsville Tel Co.

In reviewing the list of wire centers in connection with the list of wire centers and their respective area in square miles, we discovered that the original petition incorrectly identified

¹ We understand that the Commonwealth of Virginia uses the term "exchange" interchangeably with "wire center" however since we have used wire center throughout the petition, we continue to do so here to be consistent.

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Mountain Grove-Williamsville Tel. Co. ("MGW") as having three wire centers in Virginia. In fact, MGW has two additional wire centers located outside of Virginia Cellular's proposed ETC service area that are contiguous with the wire centers that Virginia Cellular does serve.' These two additional wire centers are listed in the above-referenced chart. To be precise, Virginia Cellular proposes to serve all but a very small portion of the three MGW wire centers located within its proposed ETC service area, which are McDowell, Deerfield, and Williamsville. Virginia Cellular does not propose to serve any of the McClung or Mountain G wire centers located outside of Virginia Cellular's proposed ETC service area.

For your reference, we have listed all five wire centers and their respective area in square miles in the attachment referenced above, and have submitted corrected Exhibit E and Exhibit F to properly reflect Virginia Cellular's status with respect to MGW's service area.

Your request concerning MGW was to identify that portion of the MGW service area that Virginia Cellular is not licensed to serve and compare the size of that area to the area Virginia Cellular does propose to serve. The area located outside of the three wire centers that Virginia Cellular proposes to include in its ETC service area (McDowell, Deerfield and Williamsville) is approximately 13.5 square miles within the Williamsville wire center. The total area of all three wire centers is approximately 366.6 square miles. Thus, the area that Virginia Cellular does not propose to serve is approximately 3.6% of the total proposed ETC service area for MGW.

Virginia Cellular does not have a license to serve the area outside of its ETC service area, and believes that committing to resell other wireless carrier service in this rural area **will** not serve the public interest. The primary reason is that Virginia Cellular will not be able to control the wireless facilities on which a customer would take service in such an arrangement, and reselling on MGW's wireline network will not deliver any new facilities to the customer which it cannot already get from MGW.

Status of Virginia Law

We can confirm to you that the Commonwealth of Virginia does not have statutes or administrative regulations governing disaggregation for support or redefinition of service areas relating to ETCs.

² In its comments filed in this proceeding, the Virginia Rural Telephone Companies did not pick up on this discrepancy.

Romanda Williams, Esq.
October 11, 2002
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E-911 Compliance

Based on our conversations with Virginia Cellular concerning 911 and E-911 compliance, we can confirm to you that the company is in compliance with its state and federal 911 and E-911 mandates.

Measurement of Non-contiguous Areas

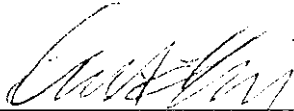
Virginia Cellular serves one noncontiguous service area of the Clifton Forge Waynesboro Tel. Co. ("CFW") in its entirety.' The other CFW service area within Virginia is approximately 26 miles to the Southwest, when measuring the closest point between the two areas.

Virginia Cellular serves one noncontiguous service area of the Shenandoah Tel Co. ("Shenandoah") in its entirety. The other service area is directly East of Shenandoah area proposed to be included in Virginia Cellular's ETC service area. The two service areas share a single point, but there is no contiguous boundary between them.

Once again, we appreciate the opportunity to present this supplemental information. Should you have any questions or require any additional information, please contact undersigned counsel directly.

Respectfully submitted,

Virginia Cellular, LLC

By: 

David LaFuria
Its Counsel

cc: Eric Einhom, Esq.
Mark Seifert, Esq.
Anita Cheng, Esq.
Cara Voth, Esq.
Marlene H. Dortch, Secretary (by hand)

³ We understand that Ntelos has recently acquired those CFW wire centers that Virginia Cellular proposes to serve. Again, to avoid confusion, we will retain the CFW designation throughout the petition.